

8. 201 MAIDSTONE ROAD – REMOVAL OF SILVER BIRCH TREE

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	Unit Manager, Transport and Greenspace
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Board’s decision on the potential removal of a Silver Birch street tree located outside the property at 201 Maidstone Road, on the corner of Colina Street and Maidstone Road in Avonhead (refer **Attachments 1 and 2**).

EXECUTIVE SUMMARY

2. The Council has received a request from the resident at 201 Maidstone Road to remove the street tree outside his residence. The issues revolve around the dropping of seeds and pollen/allergens from this tree.
3. The tree is in good condition for its species with the trunk having a slight lean towards the road.
4. An arboricultural assessment was carried out to evaluate the health, condition, value and hazard rating of the tree.
5. Any future tree removal initiated by the Council would be in relation to health and safety or infrastructure damage.
6. There are currently no health and safety concerns associated with this tree which would warrant the Council to initiate its removal.
7. There are some trees on the applicant’s property that have allergen causing properties and also a number of Council owned Silver Birches in the immediate vicinity.
8. For the reasons above the staff recommendation is that the request to remove the Silver Birch street tree outside the property at 201 Maidstone Road, on the corner of Colina Street and Maidstone Road, be declined.

FINANCIAL IMPLICATIONS

9. The cost to remove and replace the tree with PB95 grade tree is estimated at \$1,300 (including the cost of watering and mulching the tree over the first three years) which equates to 11 per cent of the value of the asset.
10. Although the STEM evaluation raw score is 78 points (which provides a valuation for the tree at \$8,100). Taking into account the negative influences of the tree, the STEM evaluation score is reduced to 72 points, which provides a valuation at \$7,500.
11. STEM (A Standard Tree Evaluation Method) is the New Zealand national arboricultural industry standard for evaluating and valuing amenity trees by assessing their condition and contribution to amenity along with other distinguishable attributes such as stature, historic or scientific significance.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

12. Yes.

LEGAL CONSIDERATIONS

13. The Transport and Greenspace Manager has the following delegation with respect to trees:

“In consultation with any other units affected and the relevant Community Board, authorise the planting or removal of trees from any reserve or other property under the Manager’s control.”

14. While the Transport and Greenspace Manager has the delegation to remove the Silver Birch tree, current practice is that requests to remove healthy and structurally sound trees are placed before the appropriate Community Board for a decision.
15. Under the delegations to Community Boards, the Board has the authority to “plant, maintain and remove trees on reserves, parks and roads” under the control of the Council within the policy set by the Council.
16. Protected street trees can only be removed by a successful application under the Resource Management Act. This tree is not listed as protected under the provision of the Christchurch City Plan.
17. The Council has a responsibility under the Health and Safety in Employment Act 1992 to provide a healthy and safe environment. This extends to public spaces under its administration and ownership.
18. The following City Plan policies may be of some benefit when considering the options:

Volume 2 Section 4 City Identity

4.2.1 Policy: Tree Cover

To promote amenity values in the urban area by maintaining and enhancing the tree cover present in the city.

Tree cover and vegetation make an important contribution to amenity values in the city. Through the redevelopment of sites, existing vegetation is often lost and not replaced. The City Plan protects those trees identified as “heritage” or “notable” and the subdivision process protects other trees which are considered to be “significant”. The highest degree of protection applies to heritage trees.

Because Christchurch is largely built on a flat plain, trees and shrubs play an important role in creating relief, contributing to visual amenity and attracting native birds.

The amount of private open space available for new planting and to retain existing trees is influenced by rules concerning building density and setback from boundaries. The rules do not require new planting for residential development but landscaping is required in business zones.

4.2.2 Policy: Garden City

To recognise and promote the “Garden City” identity, heritage and character of Christchurch.

A key aspect of achieving this policy will be maintaining and extending environments and vegetation types which compliment this image. A broad range of matters influence and contribute to this image, including the following:

- (a) Tree-lined streets and avenues.
- (b) Parks and developed areas of open space.

14.3.2 Policy: “Garden City” image identity

To acknowledge and promote the “Garden City” identity of the City by protecting, maintaining and extending planting which compliments this image.

Volume 3: Part 8 Special Purposes Zone

14.3.5 Street Trees

Nearly half the length of streets within the city contain street trees, but the presence of very high quality street trees which add considerable presence to streets and neighbourhoods is confined to a relatively small proportion of the road network. These streets add particular character and amenity of the city, either in the form of avenues which form points into the city, or an important part of the local character of particular streets.

19. An application to prune or remove the tree may be made to the District Court under the Property Law Amendment Act 1975.
20. The District Court can order the pruning or removal of a tree under the Property Law Amendment Act 1975.
21. Any work carried out in relation to this Silver Birch tree is to be completed by a Council approved contractor.

Have you considered the legal implications of the issue under consideration?

22. Yes, as per above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

23. LTCCP 2009 -19:

Streets and Transport – page 77

- (a) Governance – By enabling the community to participate in decision making through consultation on plans and projects.
 - (b) City Development – By providing a well-designed, efficient transport system and attractive street landscapes.
24. Funding is available in the Transport and Greenspace Unit Street Tree Capital Renewals budget for the removal and replacement of trees which are no longer appropriate species or no longer appropriate in their current position.
 25. Retention of the tree is consistent with the Activity Management Plan provided the tree is structurally sound and healthy.
 26. Removal and replacement of the tree is consistent with the Activity Management Plan.
 27. Removing and not replacing the tree is not consistent with the Activity Management Plan.

Do the recommendations of this report support a level of service or project in the 2009 19 LTCCP?

28. Yes, as per above.

ALIGNMENT WITH STRATEGIES

29. Removing and replacing the trees would be consistent with the following strategies:
 - (a) Christchurch City Council Biodiversity Strategy 2008-2035.
 - (b) Christchurch Urban Design Vision.
 - (c) Garden City Image as per the City Plan.
30. There is currently no policy for the pruning or removing of trees in public places. A draft Tree Policy is currently being developed.

Do the recommendations align with the Council's strategies?

31. Yes, as per above.

CONSULTATION FULFILMENT

32. The consultation on the potential removal of this tree was carried out in February 2010. A letter and a questionnaire were sent to 29 residents surrounding the area of the Silver Birch tree (refer **Attachments 3 and 3A**).

33. Residents were asked whether they supported or did not support the removal of the Silver Birch tree. Eleven submissions were received in reply. Five (45 per cent) did not support the removal of the Silver Birch tree and six (55 per cent) did support the removal of the Silver Birch tree (refer **Attachment 4**).
34. In summary those who did not support the removal of the tree did not support removing a tree if it is healthy and not causing a safety issue and they liked the aesthetic value of the tree(s) in this street and surrounding streets. Those who did support the tree removal had concerns over the high number of Silver Birch trees in this street and surrounding streets and were concerned with allergy issues.
35. Those who responded to the questionnaire were also advised of the decision making process and how they could be involved (refer **Attachments 5, 5A and 5B**).

BACKGROUND

36. Council staff have assessed this particular tree and recorded the tree as being in good condition with the trunk of the tree having a slight lean towards the road. The tree is approximately seven and a half metres in height with a crown spread of approximately five metres. As there are currently no major health and safety concerns associated with the tree any decision on its removal would rest with the Riccarton/Wigram Community Board.
37. The Council's records show that the tree was planted in 1988.
38. In regard to removing Silver Birches and the effect it would have on any allergen issue the Canterbury District Health Board (Canterbury DHB) have advised staff the following:

"...when it comes to intervention the main problem is that the lack of research in this area, so it comes down to theorising. Obviously if there were no birch trees in NZ no-one would become allergic to them (assuming no immigration/emigration) - what is unclear is how many would then become allergic to something else, and whether their symptoms would be more or less severe. This scenario is also obviously entirely theoretical, and once you move to an actual practical situation things become even more complex.the arguments about selecting new trees for planting based on allergenicity are probably stronger in scientific terms than the arguments for removing existing plantings"
39. Silver Birch pollen is very small, is dispersed by wind, and therefore can travel a considerable distance. The pollen is produced at the time of year that coincides with perennial ryegrass pollen and Canterbury's naturally windiest period.
40. The advice from the Canterbury District Health Board is that it is unknown as to whether or not a lack of Silver Birch trees would mean that people become allergy free or whether they are allergic to something else and continue to suffer.
41. Grass pollen is a well known allergen because of the amount of pollen it produces. Perennial ryegrass is considered among the worst. Christchurch is surrounded by large amounts of perennial ryegrass which results in heavily pollen laden air in spring and summer. This is due to the amount of pollen that grass produces combined with the strong winds that naturally occur in Canterbury at the time the pollen is produced. The pollen producing season is longer than that of the Silver Birch (early spring to late autumn) and overlaps the Birch pollen season at both ends. This means that people who think they may be allergic to Silver Birch may in fact be allergic to grass pollen (or another tree or shrub).
42. There is a significant number of common trees and shrubs (both native and exotic) that have a similar or worse allergen rating to that of Silver Birch. Included are Christchurch's five most commonly planted street and park trees along with most of Christchurch's iconic trees. Similarly, there are many shrubs in both street and park gardens, as well as private gardens, that have similar or worse allergen ratings to that of Silver Birch.
43. The property at 201 Maidstone Road has a privately owned Silver Birch tree and other privately owned trees on the Maidstone Road frontage, which may also cause allergies. The following trees and their allergy rating are located on the Maidstone Road frontage of the property - *Platanus sp* (plane tree) which has an allergy rating of nine, *Banksia* which has an allergy rating of three and *Azara microphylla* (vanilla tree) which has an allergy rating of four, Silver Birch trees have a rating of seven.

44. There are eleven other Council owned Silver Birch trees within a 100 metre radius of the property at 201 Maidstone Road. This is not including the trees within Brigadoon Reserve.
45. The Council direction to staff in August 2007 was –

“There is to be no city wide removal and replacement of Silver Birches for supposed health associations. The removal of Silver Birches or similar, are to be evaluated on a case by case basis and only to be removed for tree health and safety reasons, with them being replaced by another tree species.”

STAFF RECOMMENDATION

It is recommended that the Board:

- (a) Decline the request to remove the Silver Birch tree outside the property at 201 Maidstone Road, on the corner of Colina Street and Maidstone Road.
- (b) Request staff continue to maintain the tree at 201 Maidstone Road to internationally recognised and accepted arboricultural standards, practices and procedures.